

ENTERED

July 06, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

EUGENIO PEDRAZA,
Petitioner,

VS.

UNITED STATES OF AMERICA,
Respondent.

§
§
§
§
§
§
§

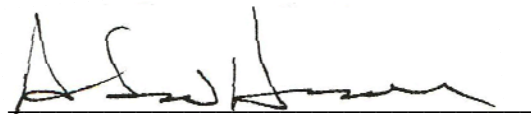
CIVIL ACTION NO. B-17-86
CRIMINAL NO. B-13-305-1

ORDER

On January 24, 2018, the United States Magistrate Judge filed a Report and Recommendation [Doc. No. 23]. Plaintiff has objected [Doc. No. 24] to said Report and Recommendation.

Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Petitioner's objections, the Court hereby adopts the Report and Recommendation. Petitioner Eugenio Pedraza's Motion to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is dismissed as procedurally defaulted, or alternatively, denied as meritless. However, the Court grants the Petitioner's request for a Certificate of Appealability. This Court agrees with the analysis of the United States Magistrate Judge that the primary issue being raised was fully explored at trial. Further, it agrees with that court's characterization that Pedraza's entire agreement is premised on the claim "that there must have been an explicit or implicit agreement in place for the agent's cooperation" and with its conclusion that there is no evidence to support that claim. Nevertheless, this Court grants Petitioner's Certificate of Appealability because reasonable jurists could conclude that these issues deserve further proceedings.

Signed this 6th day of July, 2018.



Andrew S. Hanen
United States District Judge